


LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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July 2, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #13-0526
LASD File #013-5705-1513-057

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 4, 2013, non-fatal shooting of [redacted] by Los Angeles County Sheriff's Department (LASD) Deputy Cuauhtemoc Gonzalez. We have concluded that Deputy Gonzalez acted in self-defense.

The District Attorney's Command Center was notified of the shooting on August 4, 2013, at 2:20 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Stephanie Sparagna and District Attorney Senior Investigator [redacted], responded to the scene. They were given a briefing of the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on reports submitted by LASD Homicide Detectives Tim O'Quinn and Brian Schoonmaker. The voluntary statements of Deputies Gonzalez and Stocz were considered in this analysis.

**FACTUAL ANALYSIS**

On August 4, 2013 at 12:15 a.m., Deputies Cuauhtemoc Gonzalez and Michael Stocz were on patrol in full uniform and in a marked police car on Rosemond Boulevard just past Whittier Boulevard in the City of Pico Rivera. Stocz was driving and Gonzalez was in the front passenger seat. Gonzalez saw Jeronimo Aragon spray painting a wall. Aragon stood near a Chrysler sedan parked on the curb on Rosemond Boulevard. The car had it headlights and taillights illuminated. Stocz stopped the patrol car about thirty-six feet behind the Chrysler and was positioned between the number one and two lanes of Rosemond Boulevard.

Gonzalez exited the patrol car and stood four to six feet from the open door. Gonzalez drew his service weapon and shouted, "Show me your hands!" to Aragon who stood near the wall. Aragon ran to the open front door of the Chrysler and got in the front passenger seat shutting the door behind him.


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Gonzalez heard the engine of the Chrysler rev up and saw the car rise indicating that the vehicle was beginning to accelerate rapidly from a stopped position. The Chrysler accelerated toward Gonzalez who stepped away from its path which continued toward him. Gonzalez moved to provide clearance between him and the patrol car. The Chrysler mirrored his movement and kept Gonzalez directly in its path. As the distance between Gonzalez and the Chrysler closed, Gonzalez believed that the driver, later identified as Abel Arellano, was attempting to strike him with the car. Gonzalez made eye contact with Arellano. Fearing that he would be injured or killed by the car, Gonzalez fired two rounds toward the car. Gonzalez continued to move away from the car as he discharged two more rounds.

After evading the car, Gonzalez saw the Chrysler correct its path to a straight course and slow to a stop along the curb. Assisting units arrived and ordered the occupants out of the car. Abel Arellano, Jeronimo Aragon and [redacted] who was seated in the rear, complied and were detained without incident. [redacted] who was also seated in the rear, had been shot and was unable to extract himself from the car without assistance.

**Firearms Evidence**

Deputy Gonzalez fired four rounds from his 9mm Berretta, semiautomatic handgun.

**Other evidence**

Deputy Stocz exited the patrol car and heard Gonzales order Aragon to show his hands. Aragon ignored the commands, ran and entered the Chrysler. Stocz heard the Chrysler rev its motor and saw the car drive directly toward Gonzalez who moved back and away from the patrol car. The Chrysler continued directly at Gonzalez at a high rate of speed. The car slowed down and came to a stop after Gonzalez discharged his firearm at the vehicle.

Abel Arellano was transported to Beverly Hospital by Deputy Castillo and treated for a laceration to his cheek caused by broken glass. Arellano told Deputy Castillo that he saw Deputy Gonzalez walking toward him and "tried to run him over" because he did not want to get caught. Arellano later told the detectives that he had been drinking and did not recall making that statement. However, he did acknowledge that he had driven in the direction where Gonzalez was standing in his attempt to flee.

Charges were filed against Abel Arellano and Jeronimo Aragon in Case No. VA131304 for assault on a peace officer in violation of Penal Code section 245(c) and felony vandalism in violation of Penal Code section 594(a). That matter is pending jury trial.

[redacted] was transported to Los Angeles County USC Medical Center where he was treated for a gunshot wound to his left eye area. There was no exit wound due to the bullet being lodged at the base of his skull.

**LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense if the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

Police may use reasonable force to make an arrest, prevent escape or overcome resistance and need not desist in the face of resistance. In virtue of an officer's duty to protect the public, a police officer is entitled to the even greater use of force than might be, in the same circumstance, required for self-defense. *Brown v. Ransweiler (2009) 171 Cal. App. 4th 516*

"The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

**CONCLUSION**

The evidence examined shows that Abel Arellano attempted to intentionally strike Deputy Gonzalez with his car in an attempt to escape arrest. In reasonable fear of great bodily injury or death, Deputy Gonzalez fired his service weapon at Arellano, ending the threat. Although the shots missed Arellano, with one round striking [redacted] it does not change the analysis as Gonzalez was acting in lawful self-defense based on Arellano's actions. Based on the foregoing, we find that Deputy Cuauhtemoc Gonzalez acted in lawful self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

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c: Deputy Cuauhtemoc Gonzalez, #[redacted]